

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

AUG 24 2005

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

RONALD E. BASKETTE,
GUARDIAN/CONSERVATOR FOR MARTHA
BASKETTE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION No. 6:04-CV-00039

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant's Motion to Dismiss Remaining Claim.

This motion was referred to Magistrate Judge Michael Urbanski, who on August 9, 2005 filed a Report and Recommendation recommending that this Court dismiss Plaintiff's sole remaining claim. On August 19, 2005, Plaintiff filed objections regarding the Report and Recommendation with this Court.

The Court is not persuaded by any of Plaintiff's objections. None of them addresses the fundamental problem that Plaintiff did not administratively exhaust his sole remaining claim before grieving it in the instant lawsuit. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff is not entitled to relief. Accordingly, the Court hereby ADOPTS the Report and Recommendation in its entirety and DISMISSES this matter with prejudice.

It is so ORDERED.

The Clerk of the Court is directed to STRIKE this matter from the docket, and is further directed to send a copy of this Order to all parties.

ENTERED:

Norma Q. Moran
U.S. District Judge

August 24, 2005
Date